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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/636,655	08/03/2000	Cary Lee Bates	ROC920000077US1	7024
24033	7590	05/18/2004	EXAMINER	
KONRAD RAYNES & VICTOR, LLP			VAUGHN, GREGORY J	
315 S. BEVERLY DRIVE				
# 210			ART UNIT	PAPER NUMBER
BEVERLY HILLS, CA 90212			2178	6
DATE MAILED: 05/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/636,655	BATES ET AL. 	
	<b>Examiner</b>	<b>Art Unit</b>	
	Gregory J. Vaughn	2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 23 February 2004 .

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-39 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-39 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 08 March 2004 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_ .

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) <input type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____	6) <input type="checkbox"/> Other: _____

## DETAILED ACTION

### ***Application History***

1. This action is responsive to the application amendment, application amendment filed on 2/23/2004.
2. Applicant has amended independent claims 1, 13 and 25.
3. Applicant's amendment has added new claims 37-39.
4. Applicant has amended the specification and the drawings in response to the objections cited by the examiner in the *Drawings* and *Specification* sections of the previous office action (dated 11/21/03). Applicant's amendment has addressed all objections previously made, and therefore, in view of this amendment, objections to the specification and drawings are withdrawn.
5. Claims 1-39 are pending in the case, claims 1, 13 and 25 are independent claims.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*"A person shall be entitled to a patent unless –*

*(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States."*

7. Claims 1-9, 11-21, 23-33 and 35-36 remain rejected under 35 U.S.C. 102(b) as being anticipated by McRae et al. US Patent 4,888,730 (filed 1/5/1988, patented 12/19/1989). "McRae et al." is hereafter referred to as "McRae".

8. New claims 37-39 are rejected under 35 U.S.C. 102(b) as being anticipated by McRae.

9. **In regard to independent claim 1**, McRae recites: "*A word-processing system having a memory, character, format and control data input to the system through a keyboard with a plurality of alphanumeric and function keys depressible by an operator, and a display; in combination with at least one discrete file of editable text stored within the memory*" (column 2, lines 38-43).

McRae also recites: "*the first control causing the file to be read word-by-word and each differentiable word to be stored in the correction buffer in association with a respective count element therein; incrementing means for augmenting a count in a respective count element therein, means for comparing each word read in the file with all words stored in the correction buffer, the means for comparing being effective to activate the incrementing means with respect to a given count element in response to an identity between a word read in the file and the word in the correction buffer associated with the given count element*" (column 2, lines 49-60).

McRae further recites: "*it is yet another object of the invention to provide for indication as to which of the overused words are available in an associated Thesaurus listing*" (column 3, lines 13-15). Also, McRae recites: "*it is an object of the*

*invention to provide an improved memory typewriter having fast, efficient detection, display and proper guidance for replacement of the most frequently overused words in text stored in editable memory*" (column 3, lines 3-7).

Regarding the limitation of claim 1 added by the amendment filed 2/23/2004, McRae recites: "*the capability of editing stored text by modifying, relocating, deleting, or otherwise changing one or more words of that text*" (column 1, lines 45-48).

10. **In regard to dependent claim 2**, McRae recites: "*Each pressing of a particular key on the typewriter's keyboard controls successive display, in descending order of frequency, of each of the most frequently used ones of the words*" (column 3, lines 27-30).
11. **In regard to dependent claim 3**, McRae recites: "*any line on Document 15 can be recalled from Full-Page Correction Buffer 954C for purposes of correcting printed text*" (column 6, lines 25-27).
12. **In regard to dependent claim 4**, McRae recites: "*Display Drivers 76 connected to Master Microprocessor 24 by lines 74a serve to operate Display 16 (via lines 74b) for visually presenting the last plurality of character inputs in known fashion. Display 16 may be operated in conjunction with or independently of Printer 14 and is also used herein for presenting the words and counts of overused words*" (column 6, lines 45-51).

13. **In regard to dependent claim 5**, McRae recites: "*that count and the corresponding word from the selected file in Memory 842 are presented on Display 16, the count preceding the word and being separated from the latter by a space or two*" (column 8, lines 6-8).
14. **In regard to dependent claim 6**, McRae recites: "*If the typist wants to look up synonyms of a signalled one of the overused words, a Thesaurus Program 905 is activated by pressing Code Key 21 plus the "T" Key 18T while that overused word is present on Display 16. Thesaurus List 904 is then searched for the matching word and its synonyms*" (column 8, lines 38-45). McRae also recites: "*use a known "Search and Replace" routine to replace various ones of the overused words at their different locations in the file scanned*" (column 8, lines 64-66).
15. **In regard to dependent claim 7**, McRae recites: "*presence of a modified Dictionary List 906 containing a Special Code 907 indicating availability of synonyms in the Thesaurus program 905 for replacing words undesirably used too frequently*" (column 15, lines 61-65).
16. **In regard to dependent claim 8**, McRae recites: "*electronic typewriters with memories storing thesauri from which a typist can select one of a succession of synonyms and retrieve it for replacement of a word*" (column 2, lines 9-12).
17. **In regard to dependent claim 9**, the claim contains substantially the same subject matter as claims 7 and 8 combined, and remains rejected using the same rationale.

18. **In regard to dependent claim 11**, McRae recites: "*modifying, relocating, deleting, or otherwise changing one or more words of that text*" (column 1, lines 47-48).
19. **In regard to dependent claim 12**, McRae recites: "*provides for alerting the typist when the particular word is identical to a root word in List 904*" (column 4, lines 19-20).
20. **In regard to independent claim 13**, the claim contains substantially the same subject matter as claim 1, and remains rejected using the same rationale.
21. **In regard to dependent claim 14**, the claim contains substantially the same subject matter as claim 2, and remains rejected using the same rationale.
22. **In regard to dependent claim 15**, the claim contains substantially the same subject matter as claim 3, and remains rejected using the same rationale.
23. **In regard to dependent claim 16**, the claim contains substantially the same subject matter as claim 4, and remains rejected using the same rationale.
24. **In regard to dependent claim 17**, the claim contains substantially the same subject matter as claim 5, and remains rejected using the same rationale.
25. **In regard to dependent claim 18**, the claim contains substantially the same subject matter as claim 6, and remains rejected using the same rationale.

26. **In regard to dependent claim 19**, the claim contains substantially the same subject matter as claim 7, and remains rejected using the same rationale.
27. **In regard to dependent claim 20**, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.
28. **In regard to dependent claim 21**, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.
29. **In regard to dependent claim 23**, the claim contains substantially the same subject matter as claim 11, and remains rejected using the same rationale.
30. **In regard to dependent claim 24**, the claim contains substantially the same subject matter as claim 12, and remains rejected using the same rationale.
31. **In regard to independent claim 25**, the claim contains substantially the same subject matter as claim 1, and remains rejected using the same rationale.
32. **In regard to dependent claim 26**, the claim contains substantially the same subject matter as claim 2, and remains rejected using the same rationale.
33. **In regard to dependent claim 27**, the claim contains substantially the same subject matter as claim 3, and remains rejected using the same rationale.
34. **In regard to dependent claim 28**, the claim contains substantially the same subject matter as claim 4, and remains rejected using the same rationale.

35. **In regard to dependent claim 29**, the claim contains substantially the same subject matter as claim 5, and remains rejected using the same rationale.
36. **In regard to dependent claim 30**, the claim contains substantially the same subject matter as claim 6, and remains rejected using the same rationale.
37. **In regard to dependent claim 31**, the claim contains substantially the same subject matter as claim 7, and remains rejected using the same rationale.
38. **In regard to dependent claim 32**, the claim contains substantially the same subject matter as claim 8, and remains rejected using the same rationale.
39. **In regard to dependent claim 33**, the claim contains substantially the same subject matter as claim 9, and remains rejected using the same rationale.
40. **In regard to dependent claim 35**, the claim contains substantially the same subject matter as claim 11, and remains rejected using the same rationale.
41. **In regard to dependent claim 36**, the claim contains substantially the same subject matter as claim 12, and remains rejected using the same rationale.
42. **In regard to dependent claims 37-39**, the claim are rejected for fully incorporating the deficiencies of the base claims

***Claim Rejections - 35 USC § 103***

43. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

*"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made."*

44. Claims 10, 22 and 34 remain rejected under 35 U.S.C. 103(a) as being unpatentable over McRae in view of Walsh et al. US Patent Application 5,873,660 (filed 6/19/1995, published 2/23/1999). "Walsh et al." is hereafter referred to as "Walsh".

45. **In regard to dependent claim 10**, McRae discloses the use of thesauri lists. McRae fails to disclose the use of categorized thesauri lists. Walsh discloses the use of categorized thesauri lists. Walsh recites: *"The preferred embodiment, for example, contains most commonly used word forms of the English language. The morphological replace tool 66 can be adapted for use with text documents written in other languages by providing a word forms database of commonly-used word forms of those languages"* (column 7, lines 5-11).

Therefore, it would have been obvious, to one of ordinary skill in the art at the time the invention was made, to combine Walsh's categorized thesauri lists capability with the McRae overused word invention to provide *"an editing tool for morphologically finding and replacing words so as to resolve ambiguities resulting*

*from a user-specified find or replace word having multiple root words, and from an inflected form of one of the find or replace words corresponding to multiple inflected forms of another of the find or replace words" (Walsh, column 3, lines 15-21).*

46. **In regard to dependent claim 22**, the claim contains substantially the same subject matter as claim 10, and remains rejected using the same rational.
47. **In regard to dependent claim 34**, the claim contains substantially the same subject matter as claim 10, and remains rejected using the same rational.

***Response to Arguments***

48. Applicant's arguments filed 2/23/2004 have been fully considered but they are not persuasive.

49. **Regarding independent claims 1, 13 and 25**, the applicant states: "*Nowhere does the cited McRae teach or disclose the claim requirement that the substitute terms as capable of being modified by user inputs*" (page 18 second paragraph). The applicant is directed to the rejection of claims 1, 13 and 25, as restated above. Regarding the limitation of claims 1, 13 and 25 added by the amendment filed 2/23/2004, McRae recites: "*the capability of editing stored text by modifying, relocating, deleting, or otherwise changing one or more words of that text*" (column 1, lines 45-48).

50. **Regarding dependent claims 6, 18 and 30**, the applicant states: "*the cited McRae does not teach or disclose the claims limitations of receiving user input of a term to associate with subject term and storing the association of the inputted term and the subject term*" (page 19, second paragraph). The applicant is directed to the rejection of claims 6, 18 and 30, as restated above. Applicant is further directed to the rejection of amended claims 1, 13 and 25 as described above.

51. **Regarding dependent claims 7, 19 and 31**, the applicant states: "*the cited McRae does not teach or disclose the claims limitations of receiving user input of a term to remove an associated term with subject term*" (page 19, sixth paragraph). The applicant is directed to the rejection of claims 7, 19 and 31, as restated above.

Applicant is further directed to the rejection of amended claims 1, 13 and 25 as described above.

52. **Regarding dependent claims 8, 20 and 32,** the applicant states: "*Nowhere does the cited McRae teach or disclose the claim requirement that the different groups are capable of providing different associated terms for the selected repeated term*" (page 20, fourth paragraph). The applicant is directed to the rejection of claims 8, 20 and 32, as restated above. Applicant is further directed to the rejection of amended claims 1, 13 and 25 as described above.
53. **Regarding dependent claims 9, 21 and 33,** the applicant states: "*McRae does not teach or disclose the claims limitations of performing the user received modification operation on the groups to modify the groups of associated terms*" (page 21, first paragraph). The applicant is directed to the rejection of claims 9, 21 and 33, as restated above. Applicant is further directed to the rejection of amended claims 1, 13 and 25 as described above.
54. **Regarding dependent claims 12, 24 and 36,** the applicant states: "*the cited McRae does not teach or disclose the claims limitations that the repeated terms are capable of including terms that are different words that include a same word stem*" (page 21, fourth paragraph). The applicant is directed to the rejection of claims 12, 24 and 36, as restated above. Applicant is further directed to the rejection of amended claims 1, 13 and 25 as described above.

55. **Regarding dependent claims 10, 22 and 34**, the applicant states: "*Nowhere does the cited Walsh or the cited McRae teach or suggest that the groups of associated terms comprise different literary categories as required by the claims*" (page 21, last paragraph to page 22 first paragraph). The applicant is directed to the rejection of claims 10, 22 and 34, as restated above. Applicant is further directed to the rejection of amended claims 1, 13 and 25 as described above.

56. **Regarding new dependent claims 37-39**, the applicant is directed to the grounds of rejection as stated above.

***Conclusion***

57. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

58. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (703) 305-4672. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R Herndon can be reached at (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Gregory J. Vaughn  
May 13, 2004



STEPHEN S. HONG  
PRIMARY EXAMINER